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BEFORE THE BOARD OF PATENT APPEALS
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17
Paper No. 16

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Filing Date: December 24, 1991
Appellant(s): J. Bratten

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BOARD OF PATENT APPEALS
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95-0086
John R. Benefiel
For Appellant

GROUP 130

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed April 1st, 1994.

(1) *Status of claims.*

The statement of the status of claims contained in the brief is correct.

(2) *Status of Amendments After Final.*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

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(3) *Summary of invention.*

The summary of invention contained in the brief is correct.

(4) *Issues.*

The appellant's statement of the issues in the brief is correct.

(5) *Grouping of claims.*

Despite the fact that appellant's brief does not include an explicit statement that the above grouping of claims stand or fall together, it is presumed that they stand or fall together as grouped and argued. See 37 C.F.R. § 1.192(c)(5).

(6) *Claims appealed.*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(7) *Prior Art of record.*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

4,774,010 Bratten September, 1988

3,741,389 Anderson June, 1973

4,062,780 Estabrook December, 1977

3,677,411 Ishigaki July, 1972

4,220,539 Lee September, 1980

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(8) *New prior art.*

No new prior art has been applied in this examiner's answer.

(9) *Grounds of rejection.*

The following ground(s) of rejection are applicable to the appealed claims.

Claims 1-11 are rejected under 35 USC 103. This rejection is set forth in the prior Office action paper number 13.

(10) *New ground of rejection.*

This Examiner's Answer does not contain any new ground of rejection.

(11) *Response to argument.*

With respect to ISSUE 1, Claims 1-3,8 and 9, Applicant argues that the rejection is a "reconstruction of the prior art which are not fairly suggested by a consideration of their collective teachings." The Examiner respectfully disagrees with Applicants position, instead submitting that each feature of the claimed invention which Applicant relies on for patentability is known in the art, or would have amounted to an obvious choice in design at the time the invention was made.

Applicant argues that, "it would be totally redundant to add another conveyor belt to Bratten, as the filter media conveyor function is accomplished by the overhead conveyor 28 in Bratten. There is no need for better support or movement of the filter

media. *The filter media is already supported on the tank bottom. A second conveyor could only degrade the support.*" It is submitted that the question here is whether it would have been obvious to modify the apparatus of Bratten in view of Estabrook; not whether the modification would be redundant. With respect to Applicants argument that there is no need for better support or movement of the filter media; it is submitted that it would certainly be better to employ moving supports on both sides of the filter media as opposed to dragging it along the stationary tank bottom. This would result in less wear and energy required by the conveyor of Bratten and would also reduce the stress exerted on the filter media itself. With respect to Applicants assertion that a second conveyor could only degrade the support. - How? The Examiner has stated how he thinks the additional conveyor will benefit the system, but Applicant has not provided any logic with respect to how the additional support would be detrimental to or degrade the support.

Applicant next argues, "*Furthermore, the edges of the filter media are described as being sealed by the chain conveyor loops 48A, 48B against the tank bottom. It is not clear how the edges could be sealed if the disposable media was overlain by a screen or grid belt.*" It is not seen how this argument is germane to the group of claims presently being considered since claims 10 and 11 of group or ISSUE three are the only claims which partially claim what Applicant has argued. Claim 10 specifies "side edges of said permanent filter media belt are coated."; with claim 11 basically

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specifying the coating to be a urethane plastic. No where in the claims does it specify, "the edges of the filter media are described as being sealed by the chain conveyor loops 48A, 48B against the tank bottom."

With respect to Applicant's argument pertaining to the limitation "freely movable along said recirculation path", it is submitted that the media filter belt of the references as applied above would be freely movable along said recirculation path; not requiring the changes suggested by Applicant.

Finally, with respect to the "woven fabric belt" limitation, Applicant argues that, "There is no suggestion in the references that such a powered support screen conveyor could be constructed of a woven fabric." It is unfortunate that the prior art is for the most part silent with respect to details of construction of the support screens, belts, etc. It is presumed by the Examiner that many are woven screens or woven meshes which would meet the definition of both a "woven fabric" and a filter. In the absence of such an explicit teaching, it is submitted by the Examiner that the use of a woven fabric in place of the Cambridge belt would amount to an obvious choice in design to those skilled in the art.

With respect to ISSUE 2, claims 4-7; Applicant argues that, "the conveyor 25 of Estabrook does not perform a filtering function, ... [and therefore] there would be no need to scrape or wash the Cambridge belt by locating a scraper and/or washer unit below the tank bottom." It is submitted that such apparatus would be useful in removing any

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residual matter which may have found its way to the conveyor and also would be useful in flushing out the fluid that was filtered.

With respect to ISSUE 3, claims 10 and 11; Applicant argues that, "the conveyor of Estabrook is not sealed to any surface, and adding an edge sealing would not be suggested." As it was mentioned above, the sealing of the conveyor to any part of the apparatus has not been claimed and is not an issue. It is submitted that it would have been obvious to none having ordinary skill in the art to seal the edges of the filter in order to prevent it from coming apart or fraying.

For the above reasons, it is believed that the rejections should be sustained.
Respectfully submitted,

rjp
June 4, 1994


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